

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re: Matter of

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Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.

(Rose Hill and La Grange, North Carolina)

MM Docket No. 02-
RM-

To: The Chief, Allocations Branch

PETITION FOR RULEMAKING

Conner Media, Inc. ("Conner"), pursuant to Section 1.401(a) of the Commission's rules, hereby respectfully requests that Section 73.202(b) of the Commission's rules (the FM Table of Allotments) be amended as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Rose Hill, NC	284A	-----
La Grange, NC	-----	284C3

Concurrent with this relief, Conner further requests that the license of station WZUP (FM), Rose Hill, North Carolina be modified to specify operation on Channel 284C3 in lieu of Channel 284A and a community of license of La Grange, North Carolina rather than Rose Hill.

In support whereof, the following is respectfully shown:

1. Submitted herewith is an Engineering Statement of Timothy L. Warner, Inc., demonstrating that the relief requested herein will meet all applicable FCC requirements with respect to city coverage and channel spacing. The Engineering Statement further demonstrates that the reallocations proposed herein would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. Modification of FM and TV Authorizations

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to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

2. The proposed change for WZUP will result in an upgrade from Class A to Class C3 service. As demonstrated in the Engineering Statement, this upgrade will extend service from 50,124 persons in an area of 2,463 square kilometers to 229,088 persons in an area of 4,778 square kilometers. All of the area currently receiving service from the WZUP Class A Rose Hill facilities is well served, and accordingly the gross loss area resulting from the change proposed herein will create neither white nor gray area nor any area or populations which would receive fewer than five aural services.

3. The proposed change will not deprive Rose Hill (1990 Census population; 1,287) of its only local transmission service, as the community will continue to be served by AM station WEGG, Facility ID No. 17745, of which Conner is also the licensee. La Grange (1990 Census population; 2,805) will receive a much-needed first local service.

4. La Grange is incorporated. It is governed by a mayor and a five-member council. Services are administered by a town manager, a town clerk, a director of public works, and a director of the electric department. There is a La Grange Chamber of Commerce, a La Grange volunteer fire department and a La Grange police force. The town of La Grange provides sewer, water and electricity to its residents, and levies a property tax. (There is no separate La Grange school system, as children in La Grange, along with all other residents of Lenoir County in which La Grange is situated, attend the county school system.)

5. La Grange has a Chamber of Commerce, a Rotary Club, a Redevelopment Foundation and a Masonic Lodge. Health care is provided by a medical center and a pediatric clinic. There is a public library, which is part of the Lenoir County Library System. There is a La Grange bus company and a La Grange day care center.

6. La Grange has its own zip code (28551). The president of the La Grange Chamber of Commerce advises that the community has grown to approximately 5,600 and that three new

housing subdivisions are being built. He also notes that most of the residents in La Grange work in that community.

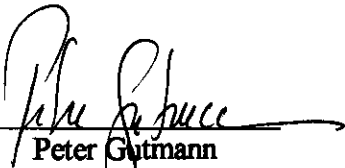
7. La Grange has its own newspaper, the "Weekly Gazette," which focuses upon the local needs and interests of La Grange, although the timeliness of the coverage it is able to provide is necessarily limited by its frequency of publication. WZUP would provide this independent, thriving and growing community with an important outlook for local information and a means to further stimulate local economic growth.

8. In sum, the reallocation proposed herein will result in a first local service for La Grange and a significant increase in the area and population to be served by WZUP. On the other hand, Rose Hill will retain its existing service from WEGG, and the entire area and population of the gross loss area will remain well-served by existing facilities. Accordingly, we respectfully submit that the allocation proposed herein will serve the public interest and should be implemented.

9. Conner states herewith its present intention to promptly apply for and construct the requested facilities, if allotted.

Respectfully submitted,

CONNER MEDIA, INC.

By: 
Peter Gutmann
Its Attorney

PEPPER & CORAZZINI
1776 K Street, NW
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Washington, DC 20006
(202) 296-0600

January 17, 2002

**Engineering Statement
Proposed Allocation
La Grange, North Carolina Channel 284 C3
First Local Service**

This statement supports a proposal to add Channel 284 C3 to La Grange, North Carolina, delete Channel 284 A from Rose Hill, North Carolina, and modify the facilities of WZUP, facility ID 17618, to specify the new allocation at La Grange.

The proposed reference coordinates, 35° 16' 00" North Latitude and 77° 58' 00" West Longitude, are fully spaced as shown in the Allocation Study on page 3 with respect to all facilities and proposals which must be protected. The only proposals which are not fully spaced are the existing Rose Hill allocation and a previous proposal to modify the allocation for Trenton, North Carolina.

Figure 1 shows the standard 28 kilometer service contour for a maximum Class A facility at the licensed WZUP coordinates and the standard 39 kilometer service contour for maximum Class C3 facilities at the proposed reference coordinates.

The proposed allocation coordinates provide principal community service to the entire community of La Grange. Figure 2 shows the standard 23 kilometer 70 dBu F(50,50) principal community contour in addition to the standard 39 kilometer 60 dBu F(50,50) service contour.

Figure 3 shows the spacing limits which define the allowable area. The allowable area is substantial in size. It is reasonable to assume that an acceptable tower site will be available for construction in this rural farming area. The area is not part of a national or state forest. There are no significant bodies of water which reduce the allowable area. The permissible sites are restricted to an area which begins approximately 4 kilometers southwest of La Grange.

A standard Class C3 maximum facility 39 kilometer radius 60 dBu F(50,50) service contour produces a significant increase in the population receiving service. The existing WZUP licensed site, evaluated at a Class A maximum 28 kilometer 60 dBu F(50,50) service contour serves 50,124 persons in an area of 2,463 square kilometers¹. The proposed facilities at the reference coordinates serve 229,088 persons in an area of 4,778 square kilometers. The area of overlap between the Class A maximum and Class C3 proposed service contours contains 15, 805 persons in an area of 726 square kilometers. The population was tabulated from Census 2000 data for each census block whose centroid lies within the contour.

This proposal represents first aural service for La Grange, North Carolina.

Rose Hill, North Carolina, will have remaining local service from Standard AM broadcast station WEGG, facility ID 17745.

The entire area which presently receives service from the WZUP Rose Hill facilities, either licensed or Class A maximum, is well served. The removal of Channel 284 A from Rose Hill will not create any area which receives fewer than five aural services. The allocation of Channel 284 C3 to La Grange will not create any new well served areas. There are no issues of gray area or white area.

¹ The Class A licensed facilities serve a census 2000 population of 31,113 persons in an area of 1,350 square kilometers.

La Grange PRM Allocation Study

REFERENCE
35 16 00 N
77 58 00 W

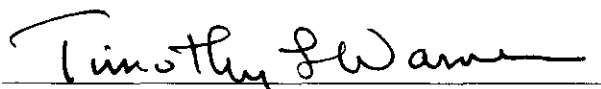
CLASS = C3
Current Spacings
Channel 284 - 104.7 MHz

DISPLAY DATES
DATA 10-11-01
SEARCH 10-11-01

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 284C2	Trenton	NC	58.62	112.2	177.0	-118.38
Application for Review filed on 8/21/2000.							
RADD	ADD 284C2	Trenton	NC	58.99	112.0	177.0	-118.01
Application for Review filed on 8/21/2000.							
WZUP	LIC 284A	Rose Hill	NC	45.21	188.2	142.0	-96.79
RDEL	DEL 284A	Rose Hill	NC	45.21	188.2	142.0	-96.79
Application for Review filed on 8/21/2000.							
WCCG	LIC 283A	Hope Mills	NC	89.14	246.4	89.0	0.14
WKJS	LIC 284C1	Crewe	VA	211.29	0.3	211.0	0.29
Transmitter located in Zone 2.							
WFXK	LIC 282C1	Tarboro	NC	86.18	354.3	76.0	10.18
WSSS	LIC 284C	Charlotte	NC	247.53	270.4	237.0	10.53
WFPF.C	CP 283A	Aurora	NC	102.81	95.4	89.0	13.81
RADD	ADD 283A	Aurora	NC	107.27	87.5	89.0	18.27
RADD	ADD 284C3	Ocracoke	NC	182.74	95.0	153.0	29.74
WDCG	LIC 286C	Durham	NC	127.20	302.3	96.0	31.20
WRQR	LIC 283A	Wilmington	NC	122.04	179.0	89.0	33.04
WFMZ	LIC 285C2	Hertford	NC	163.62	55.1	117.0	46.62
From channel 285A Per D89-326							
WNOK	LIC 284C	Columbia	SC	296.70	246.1	237.0	59.70
WANGFM	LIC 286C3	Havelock	NC	114.26	119.8	43.0	71.26
WYNA	LIC 285C3	Calabash	NC	176.48	204.9	99.0	77.48

Declaration

I declare, under penalty of perjury, that I am a technical consultant to broadcasting and other communications systems, that I have over twenty-five years of experience in the engineering of broadcast and other communications systems, that I am familiar with the Federal Communications Commission's Rules found in the Code of Federal Regulations Title 47, that I am a Professional Engineer registered in North Carolina, that I have prepared or supervised the preparation of the attached Engineering Statement, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief.

A handwritten signature in black ink, reading "Timothy L. Warner", written over a horizontal line.

Timothy L. Warner, P.E.
87 North Liberty Street
Asheville, North Carolina 28801
(828) 258-1238
11 October 2001

